

LEGALINK, A MERRILL COMMUNICATIONS COMPANY
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Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 CASE NUMBER: 03-CV-05-1019-W
6

7 BEATRICE L. WILLIS,
8 Plaintiff,
9

 COPY

10 vs.
11

12 SEARS, ROEBUCK & CO.,
13 Defendant.
14

15
16 DEPOSITION TESTIMONY OF:

17 BEATRICE L. WILLIS
18
19

20 S T I P U L A T I O N S

21 IT IS STIPULATED AND AGREED by and
22 between the parties through their
23 respective counsel that the deposition of

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1 BEATRICE L. WILLIS may be taken before
2 Bridget McClain, a Court Reporter and
3 Notary Public for the State at Large, at
4 the offices of Burr & Forman, 201 Monroe
5 Street, 1950 RSA Tower, Montgomery,
6 Alabama, on the 3rd of August, 2006,
7 commencing at approximately 10:32 a.m.

8 IT IS FURTHER STIPULATED AND AGREED
9 that the signature to and the reading of
10 the deposition by the witness is waived,
11 the deposition to have the same force and
12 effect as if full compliance had been had
13 with all laws and rules of Court relating
14 to the taking of the depositions.

15 IT IS FURTHER STIPULATED AND AGREED
16 that it shall not be necessary for any
17 objections to be made by counsel to any
18 questions except as to form or leading
19 questions and that counsel for the parties
20 may make objections and assign grounds at
21 the time of trial or at the time said
22 deposition is offered in evidence, or prior
23 thereto.

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1 In accordance with Rule 5(d) of the
2 Alabama Rules of Civil Procedure, as
3 amended, effective May 15, 1998, I, Bridget
4 McClain, am hereby delivering to Mieke Ann
5 Hemstreet, Esq., the original transcript of
6 the oral testimony taken the 3rd day of
7 August, 2006, along with exhibits.

8 Please be advised that this is the
9 same and not retained by the Court
10 Reporter, nor filed with the Court.

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1 I N D E X

2

3 EXAMINATION BY: PAGE NO.

4 Ms. Hemstreet 8-231

5 235-246

6 Mr. McIntyre 231-235

7

8

9

10 E X H I B I T S

11

12 FOR THE PLAINTIFF:

13 None offered.

14

15

16 FOR THE DEFENDANT:

17 Number 1 - determination 41

18 Number 2 - application 44

19 Number 3 - handbook 67

20 Number 4 - coupon 75

21 Number 5 - receipts 86

22 Number 6 - statement 128

23 Number 7 - EEOC charge 138

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1 A P P E A R A N C E S

2

3 PRESENT FOR THE PLAINTIFF:

4 ROBIN T. MCINTYRE

5 Attorney at Law

6 201 Executive Park Drive

7 Opelika, AL 36801

8

9

10

11 PRESENT FOR THE DEFENDANT:

12 MIEKE ANN HEMSTREET

13 Burr & Forman

14 420 20th Street North

15 Suite 3100

16 Birmingham, AL 35203

17

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20

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22

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1 I, Bridget McClain, a Court Reporter
2 and Notary Public, State of Alabama at
3 Large, acting as Commissioner, certify that
4 on this date, pursuant to the Alabama Rules
5 of Civil Procedure, and the foregoing
6 stipulation of counsel, there came before
7 me at the offices of Burr & Forman, 201
8 Monroe Street, 1950 RSA Tower, Montgomery,
9 Alabama, commencing at approximately 10:32
10 a.m., on the 3rd day of August, 2006,
11 BEATRICE L. WILLIS, witness in the above
12 cause, for oral examination, whereupon the
13 following proceedings were had:

14
15 BEATRICE L. WILLIS
16 being first duly sworn, was examined
17 and testified as follows:

18
19 COURT REPORTER: Usual
20 stipulations?

21 MR. MCINTYRE: Yes.

22 MS. HEMSTREET: That's fine.

23 MR. MCINTYRE: That's fine.

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1 EXAMINATION BY MS. HEMSTREET:

2 Q. Ms. Willis, will you state your
3 full name for the record, please?

4 A. Beatrice L. Willis.

5 Q. Ms. Willis, I'm Mieke Hemstreet
6 and we met a few minutes ago. And I am
7 here to ask you some questions about the
8 lawsuit that you filed against Sears. Do
9 you understand that to be the case today?

10 A. Yes.

11 Q. Okay. Have you ever had your
12 deposition taken before?

13 A. No.

14 Q. In that case, I would like to go
15 over just a couple of ground rules. Some
16 of them go for me as well as for you. You
17 can take a break whenever you need it, just
18 let me know when and so long as there is
19 not a question on the table. In other
20 words, if I ask you a question, I just ask
21 that you go ahead and answer it before we
22 take a break.

23 Secondly, if you don't understand

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1 something that I ask you, let me know and
2 I'll rephrase it or do the best of my
3 ability to make sure that you understand
4 it. And if you do answer the question and
5 don't ask me to clarify, then I'm going to
6 assume that you understood my question. Is
7 that fair?

8 A. That's fair.

9 Q. Okay. Additionally, your
10 attorney may object from time to time
11 today. And if that's the case, that's
12 primarily the objections are just to get on
13 the record. Also, during a deposition
14 sometimes it becomes conversation like.
15 And I ask that we both do our best not to
16 talk over each other. In other words, I'll
17 let you finish your answer before I go onto
18 my next question, vice versa. If you can
19 let me finish my question before you
20 answer. Do you understand, is that fair?

21 A. That's fair.

22 Q. Okay. Have you taken any
23 medication today or anything that would

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1 impair your ability to answer my questions
2 truthfully today?

3 A. No.

4 Q. Okay. Anything else that would
5 prevent you from answering my questions
6 truthfully today?

7 A. No.

8 Q. Do you have any medical
9 conditions that I need to be aware of as we
10 go through today?

11 A. No.

12 Q. Okay. Now, did you review any
13 documents in preparation for your
14 deposition today?

15 A. No.

16 Q. Now, did you bring any additional
17 documents with you today that you needed to
18 provide me a copy with? I know Robin has
19 already sent me some information and
20 documents that you have gathered. Is there
21 anything else that you need to produce to
22 me that you brought with you today?

23 A. No.

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1 Q. Okay. How much time did you
2 spend in preparation for the deposition
3 today?

4 A. About --

5 Q. Besides getting into the parking
6 deck, I guess.

7 A. About an hour-and-a-half.

8 Q. Did you discuss this deposition
9 today with anybody other than your
10 attorney?

11 A. No.

12 Q. Okay. Did you discuss this
13 deposition with Ms. Smith?

14 A. Well, in the presence of my
15 attorney.

16 Q. Okay. It was in the presence of
17 Robin, okay.

18 A. Of my attorney, yes.

19 Q. Did you discuss this deposition
20 with Shannon Bryant at all?

21 A. Well, just in the presence of my
22 attorney.

23 Q. And Ms. Bryant does not have a

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1 lawsuit against Sears; is that correct?

2 A. No.

3 Q. Okay. Did you talk to anybody
4 else in preparation for your deposition
5 today?

6 A. No.

7 Q. Now, Ms. Willis, have you ever
8 been a party to a lawsuit?

9 A. No.

10 Q. Neither as the plaintiff or as a
11 defendant?

12 A. No.

13 Q. Have you ever filed any EEOC
14 charge besides the one you filed against
15 Sears that's the subject of this lawsuit?

16 A. No.

17 Q. Okay. Have you ever filed for
18 Worker's Compensation benefits?

19 A. Are you asking me about did I
20 file for my unemployment?

21 MR. MCINTYRE: No.

22 Q. Worker's Compensation, if you're
23 injured on the job.

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1 A. No.

2 Q. Okay. Now, did you ever go by
3 another name besides Beatrice Willis, it
4 was Lewis before; is that right?

5 A. Right, those are the only two.

6 Q. Is that your maiden name?

7 A. Yes.

8 Q. Okay. What is your current
9 address?

10 A. It's 18 Brannon Avenue and that's
11 Opelika, Alabama.

12 Q. And how long have you lived
13 there?

14 A. About four years.

15 Q. Do you recall where you lived
16 before that?

17 A. 2106 Waverly Parkway, Apartment
18 6-C.

19 Q. Is that also in Opelika?

20 A. Uh-huh.

21 Q. Now, in your current place of
22 residence, is that a house?

23 A. Yes.

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1 Q. Okay. Does anybody live there
2 with you?

3 A. My son.

4 Q. Your son, okay. And how old is
5 he?

6 A. He's twenty.

7 Q. Okay. And what is his name?

8 A. William B. Lewis.

9 MR. MCINTYRE: I will be right
10 back.

11 MS. HEMSTREET: Off record for a
12 minute.

13 (Break taken.)

14 Q. (By Ms. Hemstreet) You said your
15 son lives with you. Anybody else?

16 A. That's it.

17 Q. Are you renting a house or do you
18 have a mortgage on it or are you --

19 A. I'm buying it.

20 Q. Okay. You're buying. Okay. Can
21 you tell me your Social Security number?

22 A. It's 418-98-1217.

23 Q. Okay. And what is your date of

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1 birth?

2 A. 1/1/1963.

3 Q. New Year's Day, huh?

4 A. Yeah.

5 Q. Now, are you currently married?

6 A. No.

7 Q. Okay. Were you married at one
8 time?

9 A. I was.

10 Q. Okay. And who were you married
11 to?

12 A. Willie Frank Willis.

13 Q. And when did you get married?

14 A. September 16th of '94.

15 Q. Now, you're no longer married; is
16 that correct?

17 A. No.

18 Q. Did you get divorced or is that
19 what happened?

20 A. (Witness nodding head.)

21 Q. Okay. And where did you file for
22 divorce?

23 A. It was in Lee County.

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1 Q. Lee County?

2 A. Uh-huh.

3 Q. Any other marriages?

4 A. No.

5 Q. Any other children besides

6 William?

7 A. (Witness shaking head.)

8 COURT REPORTER: Can you answer
9 out, please?

10 THE WITNESS: No.

11 COURT REPORTER: Thank you.

12 Q. Now, can you tell me the names of
13 the relatives that you have in basically
14 the Montgomery, Opelika area including, you
15 know, parents, brothers, sisters, that kind
16 of thing?

17 A. I don't have any relatives that
18 live in Opelika. My husband lived in
19 Opelika.

20 Q. Your ex-husband?

21 A. Yeah.

22 Q. Okay. So you don't have any
23 relatives in the Montgomery area?

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1 A. Well, I have a sister in
2 Montgomery.

3 Q. Okay. What is her name?

4 A. Latriesha Craton.

5 Q. Anybody else in the Montgomery
6 area say up to Birmingham?

7 A. I have a niece. I have a niece
8 that lives in Montgomery, Sonia Berry.

9 Q. Who else, anybody else?

10 A. And Charles Lewis which is my
11 nephew, he lives in Montgomery.

12 Q. Anybody else say from Montgomery
13 up north to Birmingham, not including
14 Birmingham?

15 A. Uh-uh, not in Montgomery up to.

16 Q. Anybody say south of Montgomery
17 towards Dothan?

18 A. Dothan, my mother, she lives in
19 Tuskegee.

20 Q. Okay. What is her name?

21 A. Rebecca Lewis.

22 Q. Anybody else?

23 A. I have a sister, Tracy Lewis.

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1 Q. Tracy?

2 A. Uh-huh.

3 Q. And where does she live?

4 A. She lives in Tuskegee.

5 Q. Anyone else you can think of?

6 A. Jerry Lewis.

7 Q. And how is he related to you?

8 A. He's a brother.

9 Q. And where does he live, Tuskegee
10 as well?

11 A. Uh-huh.

12 Q. Anybody else?

13 A. Otis Lewis, that's a brother.

14 Q. Another brother you said?

15 A. Yes.

16 Q. You have a big family.

17 A. Yeah, we do. And Cynthia Lewis,
18 that's a sister.

19 Q. Does she live in Tuskegee as
20 well?

21 A. Right.

22 Q. Anyone else?

23 A. That's all I can think of.

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1 Q. Okay.

2 A. That's the family.

3 Q. Now, Ms. Willis, have you ever
4 been arrested for any kind of crime?

5 A. Well, this was back in probably
6 the '80s.

7 Q. And what was that?

8 A. Criminal trespassing, me and a
9 young lady had a confrontation.

10 Q. Who did, I'm sorry?

11 A. Me and this girl, we just had a
12 confrontation. I went to her house and we
13 had a few words.

14 Q. Okay. Were you actually charged
15 with trespassing, criminal trespassing?

16 A. Yeah.

17 Q. Did you serve any time at all?

18 A. No.

19 Q. Did you pay a fine?

20 A. Yeah.

21 Q. Did you plead guilty?

22 A. I did.

23 Q. Is this the only conviction?

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1 A. That's the only one, yes.

2 Q. Is this the only arrest --

3 A. Yeah.

4 Q. -- that you've had? And, again,
5 that was in Lee County did you say?

6 A. That was in Lee County, yes.

7 Q. Where did you go to high school?

8 A. Tuskegee Institute High School.

9 Q. And what year did you graduate?

10 A. '81.

11 Q. Did you go to college?

12 A. No.

13 Q. Did you take any college courses
14 or anything?

15 A. (Witness nodding head.)

16 Q. Did you go to any kind of trade
17 schools or any other kind of schooling?

18 A. (Witness nodding head.)

19 Q. No?

20 A. No.

21 Q. We'll remind you.

22 A. Yeah.

23 Q. Ever served in the military?

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1 A. No.

2 Q. Now, after you graduated from
3 high school, did you go right to work?

4 A. I did.

5 Q. Okay. Do you recall where you
6 started working?

7 A. Right out of high school, that
8 was at -- I got a job at Burger King.

9 Q. Okay. And how long were you
10 there?

11 A. Probably for about two or three
12 years.

13 Q. And which location was that?

14 A. That was in Tuskegee.

15 Q. Were you a crew member there or
16 were you a manager or what was your title?

17 A. Just a crew member.

18 Q. And what did you do after that?

19 A. After that, I worked at the
20 mini-mart. I was just a salesperson there,
21 cashier. And I did that for probably about
22 seven or eight years.

23 Q. Do you remember the name of the

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1 mini-mart or what company it was with?

2 A. I don't.

3 Q. Now, why did you leave Burger
4 King?

5 A. Because I got the job at the
6 mini-mart.

7 Q. Were you ever disciplined while
8 you worked at Burger King?

9 A. Uh-uh.

10 Q. Okay. What about the mini-mart,
11 were you disciplined while you worked
12 there?

13 A. No.

14 Q. Were you a cashier the whole time
15 you were there?

16 A. Yeah.

17 Q. Who was your supervisor, do you
18 recall?

19 A. Selena Williams.

20 Q. And eventually you left the
21 mini-mart; is that right?

22 A. Yes.

23 Q. Okay. What was your reason for

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1 leaving?

2 A. I moved to Lee County.

3 Q. And when was that?

4 A. When was that -- it was in the
5 '80s, I would say around '85.

6 Q. And did you get a job once you
7 moved?

8 A. I did.

9 Q. Now, where was that?

10 A. That was JJ Raceway in Auburn.

11 Q. And what did you do there?

12 A. I was a cashier there.

13 Q. And do you remember how long you
14 were there?

15 A. I was there for about four years.

16 Q. And who was your supervisor, do
17 you remember?

18 A. Jesse Strickland.

19 Q. Did you ever receive a discipline
20 while you worked there, either verbal or
21 written?

22 A. No.

23 Q. You were never reprimanded for

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1 anything?

2 A. No.

3 Q. And do you remember what your
4 salary was when you worked there?

5 A. I really don't.

6 Q. Okay. Were you paid hourly?

7 A. Yeah.

8 Q. And now after you left JJ
9 Raceway, what was your reason for leaving
10 there?

11 A. I found a better job.

12 Q. And where was that?

13 A. That was Auburn Daycare.

14 Q. And when did you begin that job,
15 do you recall?

16 A. Approximately -- it had to be in
17 the '90s.

18 Q. Your interrogatory responses
19 indicate that it was around 1994. Does
20 that sound about right?

21 A. Yeah, if that's what it is, I
22 know it had to be in the '90s.

23 Q. Okay. And what was your job

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1 title there?

2 A. I was a school-age teacher.

3 Q. And what does that include?

4 A. Picking the kids up from, you
5 know, elementary school. The different
6 schools you go around, pick them up. And
7 then you bring them back and you stay in
8 the classroom with them until their parents
9 pick them up.

10 Q. Okay. And you were a van driver
11 also?

12 A. Uh-huh.

13 Q. And you earned \$6 an hour doing
14 that?

15 A. Yeah, about six, yeah.

16 Q. And who was your supervisor?

17 A. Ethel White.

18 Q. Were you ever disciplined while
19 you worked there?

20 A. I'm thinking -- I think -- yes.

21 Q. Okay. What was that for?

22 A. It was verbal, me and one of the
23 other school-age teachers, a teacher said

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1 that -- we had said something about a
2 parent or something, I mean --

3 Q. Do you recall what it was that
4 they said you had said?

5 A. I don't recall. I don't know.

6 Q. Do you remember when that was?

7 A. No.

8 Q. So basically what you're telling
9 me is that you were -- were you written up;
10 is that right?

11 A. No, she just verbally --

12 Q. Verbally?

13 A. Yes.

14 Q. This is Ms. White?

15 A. That's Ethel White.

16 Q. And she told you that a parent
17 had complained; is that right?

18 A. Yes, yes.

19 Q. About something you had said; is
20 that right?

21 A. Right.

22 Q. But you don't recall what it was
23 that you had said?

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1 A. Right.

2 Q. Any other disciplines there that
3 you can recall?

4 A. That was it.

5 Q. Ever disciplined there for
6 violating any kind of company policy?

7 A. Uh-uh. Now, I also worked during
8 that time too I worked for Auburn City
9 Schools. I was a bus aide on the handicap
10 bus. And I just assisted the driver with,
11 you know, getting the kids, making sure
12 that they were in their seat belts.

13 Q. Okay. And when was that?

14 A. It had to be about '95, let's
15 see. '94 was when it was -- no --

16 Q. Your interrogatory responses say
17 1991 through 1996, is that --

18 A. You know what, but see I worked
19 at the daycare and I worked on the bus.

20 Q. Okay.

21 A. Because see, I would have to be
22 there at 6 o'clock in the morning.

23 Q. At where at 6 o'clock in the

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1 morning?

2 A. At the school.

3 Q. At the daycare?

4 A. Uh-uh, at the school, Auburn City
5 Schools.

6 Q. Okay.

7 A. I went to the daycare at 11
8 o'clock.

9 Q. Okay. So which job did you get
10 first, do you remember that?

11 A. The job at the daycare.

12 Q. Okay. And how much were you
13 earning at the Auburn City Schools as the
14 bus aide bus driver, do you remember?

15 A. I'm not really for sure about the
16 pay.

17 Q. When you worked -- who was your
18 supervisor when you worked there?

19 A. Mike Holden.

20 Q. Were you ever disciplined while
21 you worked there?

22 A. No.

23 Q. Never verbally reprimanded or

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1 written up for anything?

2 A. No.

3 Q. Never reprimanded for any
4 violation of company policy?

5 A. No.

6 Q. Now, why you did you leave Auburn
7 Daycare?

8 A. Because I got the job at Sears.

9 Q. So you voluntarily resigned; is
10 that right?

11 A. Right.

12 Q. What about Auburn City Schools,
13 what was the reason for terminating that
14 employment?

15 A. Well, I continued to work at
16 Auburn City Schools and Sears for about
17 three, four years.

18 Q. So when you got the job at Sears,
19 you left the daycare; is that right?

20 A. Yes.

21 Q. But you continued to work at
22 Auburn City Schools as the bus driver?

23 A. Right.

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1 Q. Bus aide, bus driver?

2 A. Right.

3 Q. Okay. And then why did you end
4 your employment with Auburn City Schools?

5 A. Because I decided to go full time
6 for Sears.

7 Q. Now, these places that you had
8 listed for me, your previous jobs, did you
9 ever complain about discrimination while
10 you were at any of these jobs?

11 A. No.

12 Q. Did you ever file any EEOC charge
13 against any of these employers?

14 A. No.

15 Q. And you never filed any kind of
16 lawsuit against any of these employers?

17 A. No.

18 Q. Any other jobs that you can think
19 of that you had before you went to work for
20 Sears?

21 A. I gave them all to you.

22 Q. Okay. Now, you said that around
23 1994, is that right, when you went to work

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1 for Sears?

2 A. Right.

3 Q. I believe it was around September
4 of 1994; is that right?

5 A. Uh-huh.

6 Q. Now, you went to work for Sears
7 for some period of time. And your
8 employment ended there in November of 2004;
9 is that right?

10 A. Right.

11 Q. Okay. We're going to come back
12 to that in a minute.

13 A. Okay.

14 Q. I want to talk about your
15 employment after your employment finished
16 with Sears. Now after that, where did you
17 go to work?

18 A. Dillard's.

19 Q. Okay. At The Village?

20 A. Colonial Mall.

21 Q. And when did you begin that, do
22 you know?

23 A. December 4th of 2004.

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1 Q. And what did you do there?

2 A. I was a sales associate.

3 Q. In what department?

4 A. Accessories.

5 Q. Who was your supervisor?

6 A. I had to think. Belinda Miles
7 was but she's gone. Patsy Jones, I had to
8 think about that.

9 Q. Belinda Miles was first and then
10 Pat Jones?

11 A. Patsy.

12 Q. Patsy Jones?

13 A. Uh-huh.

14 Q. And are you still working at
15 Dillard's?

16 A. Yes.

17 Q. And how many hours a week do you
18 work there?

19 A. About twenty hours.

20 Q. So you're part time?

21 A. Yes.

22 Q. Have you always been part time
23 there?

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1 A. Well, no, I started out full
2 time.

3 Q. So you were full time December 4,
4 2004. And then when did you stop working
5 full time?

6 A. I stopped I think it was October
7 of last year.

8 Q. So October of 2005?

9 A. Right.

10 Q. So you worked full time for
11 almost a year, a little less than a year?

12 A. Yes.

13 Q. And what was your reason for
14 going part time -- let me ask you: Did you
15 go part time, there was no break in your
16 employment, you went from full time to part
17 time in October of 2005?

18 A. Right.

19 Q. And what was your reason for
20 going part time?

21 A. Because I got a job with Opelika
22 City Schools driving a school bus.

23 Q. Now, did you work in accessories

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1 the entire time at Dillard's?

2 A. Yes.

3 Q. And what were your duties there
4 at Dillard's?

5 A. Well, taking care of the
6 customers, putting out merchandise,
7 maintaining the department, cashier,
8 mark-downs, mark-ups.

9 Q. Now, how did you obtain this job
10 at -- well, let me back up. What was your
11 rate of pay or what is your rate of pay?

12 A. At Dillard's?

13 Q. Yeah.

14 A. I started out at \$9.50 an hour.

15 Q. And what is it now?

16 A. \$8.55.

17 Q. Why the reduction?

18 A. Because if you don't maintain
19 your sales prior goal, then you get a pay
20 cut by 10 percent.

21 Q. And when did that cut happen?

22 A. I'm thinking back in January, I
23 think.

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1 Q. So you began there full time,
2 worked full time from December 2004 to
3 October 2005 then you went part time and
4 have been part time ever since then?

5 A. Yes.

6 Q. Okay. And right now you're
7 earning approximately \$8.55 per hour?

8 A. Yes.

9 Q. Do you work on commission at all?

10 A. No.

11 Q. Have you ever worked on
12 commission since you've been there?

13 A. No.

14 Q. So just straight hourly rate?

15 A. Yes.

16 Q. Now, have you ever been
17 disciplined since you've been working at
18 Dillard's?

19 A. No.

20 Q. Never been verbally warned or
21 reprimanded of any sort?

22 A. No.

23 Q. How did you get the job at

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1 Dillard's?

2 A. I just applied for it.

3 Q. Filled out an application?

4 A. Right.

5 Q. Now, between your termination
6 from Sears and your obtaining a job with
7 Dillard's, did you work anywhere?

8 A. No.

9 Q. Okay. Did you look for a job
10 anywhere at that time?

11 A. I was looking.

12 Q. Were you offered a job anywhere
13 between your termination and the time that
14 you obtained a job at Dillard's?

15 A. No.

16 Q. Okay. Where did you apply during
17 that time, that month period between your
18 termination and your starting to work at
19 Dillard's?

20 A. Lowe's, I applied there. And
21 that's about it.

22 Q. Do you recall when you filled out
23 an application at Dillard's?

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1 A. I couldn't tell you the exact
2 date.

3 Q. Were you hired shortly after you
4 filled out an application?

5 A. I was.

6 Q. Now, you're still part time at
7 Dillard's, correct?

8 A. Yes.

9 Q. And you also work at Opelika City
10 Schools; is that right?

11 A. Right.

12 Q. As a bus driver; is that right?

13 A. Right.

14 Q. And what are your earnings there?

15 A. I make \$12.64 an hour.

16 Q. And how many hours a week do you
17 work?

18 A. Four hours a day, that will be
19 twenty hours a week.

20 Q. And who is your supervisor?

21 A. Jeff Foster.

22 Q. And what do your job duties there
23 include?

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1 A. Just to transport the kids safely
2 from home to school. And in the afternoon,
3 the same thing from school back home. Make
4 sure the bus is kept clean, you know.

5 Q. And you've been doing that since
6 you said around October 2005; is that
7 right?

8 A. Right.

9 Q. Okay. Now, since you've been
10 there, have you ever been disciplined of
11 any sort, verbal or written?

12 A. No.

13 Q. Never reprimanded for failing to
14 follow company policy?

15 A. No.

16 Q. And you still work there; is that
17 correct?

18 A. Yes.

19 Q. Ever complained about
20 discrimination since you've been there?

21 A. No.

22 Q. And have you ever filed any EEOC
23 charge against them?

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1 A. No.

2 Q. And how did you obtain this
3 position?

4 A. I just applied. I filled out an
5 application.

6 Q. Okay. Through application?

7 A. Right.

8 Q. Now, Ms. Willis, based on the
9 employment history that we've gone over, my
10 understanding from what you've told me is
11 that you were unemployed for approximately
12 a month after your termination from Sears;
13 is that correct?

14 A. Yes.

15 Q. Have you been unemployed at any
16 point in time since then, since your
17 termination from Sears?

18 A. No.

19 Q. So just that one month?

20 A. Yes.

21 Q. Now, did you apply for
22 unemployment compensation benefits?

23 A. I did.

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1 Q. During that one month?

2 A. I did.

3 Q. After you were terminated from
4 Sears; is that right?

5 A. Yes.

6 Q. And were you awarded
7 unemployment?

8 A. No.

9 Q. Did you have a hearing to see if
10 you were entitled to receive unemployment?

11 A. A phone hearing, yes.

12 Q. Okay. And based on that phone
13 hearing, the Alabama Department of
14 Industrial Relations determined that you
15 weren't eligible for unemployment; is that
16 right?

17 A. Right.

18 Q. And that reason was because they
19 found that you had, in fact, violated
20 Sears' policy with regard to misusing the
21 service coupon; is that right?

22 A. That's what they said.

23 Q. Okay. They found you had given

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1 this coupon to customers who weren't
2 eligible for it; is that right?

3 A. That's what Kenny Reese told me.

4 Q. But that's what they determined;
5 is that right?

6 A. Right and that's what Kenny Reese
7 told me.

8 Q. Did you have a chance at the
9 telephone hearing to offer your side of the
10 story?

11 A. Yes. But at that time, Kenny
12 Reese, John Lawry and Terry Gandy, all of
13 them was on the phone. And, you know, I
14 told them that what they were saying was
15 not the way it was. That was just their
16 version of it.

17 Q. Did you receive a copy -- I'm
18 going to mark Defendant's Exhibit 1, it's
19 the determination from the Alabama
20 Department of Industrial Relations, did you
21 receive that?

22 A. I did.

23 (Defendant's Exhibit No. 1 was

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1 marked for identification.)

2 Q. And that, in fact, says that they
3 found you ineligible for Worker's Comp
4 benefits because you had misused the
5 service coupon and given it to customers
6 who weren't eligible for it; is that right?

7 A. That's what Kenny Reese and them
8 told them.

9 Q. Is that what that document --

10 A. That's what Kenny and them told
11 me.

12 Q. Okay. That was my question --

13 A. That's what Kenny Reese had told
14 them.

15 Q. Okay. But that's what the
16 document says though, correct?

17 A. That's what Kenny Reese had told
18 them.

19 Q. Okay. But is that what's stated
20 in that document?

21 A. That's what Kenny Reese told them
22 and that's what they wrote down there.

23 Q. In that document, Defendant's

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1 Exhibit 1?

2 A. That's what Kenny Reese told
3 them.

4 Q. Okay. Well, I'll tell you what,
5 let's -- now, if you look -- okay. Now, if
6 you look on the first page there, Ms.
7 Willis, on that last paragraph about midway
8 through the page -- actually, middle way
9 through that paragraph. Now, this is on
10 Defense Exhibit 1, the findings from the
11 Alabama Department of Industrial Relations.
12 Do you see where it says it was verified
13 with the service manager that thirteen of
14 the fourteen sales transactions that the
15 claimant transacted with the coupon were
16 invalid because the customers had not
17 received the coupon with the service
18 department. So that's, in fact, what they
19 found, correct, that's what the document
20 says?

21 A. That's what the document says.

22 Q. Okay. That's my question. Now,
23 I want to go back and -- we skipped over

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1 your employment with Sears. I want to go
2 back and talk about your employment with
3 Sears. Now, you told me that you were
4 hired in September of 1994; is that right?

5 A. Yes.

6 Q. And you filled out an
7 application; is that right?

8 A. Yes.

9 Q. Do you remember filling out that
10 application?

11 A. It's been so long ago, but I know
12 I filled out one.

13 Q. Does that look like the
14 application that you filled out, is that a
15 copy of your application? I'll mark as it
16 Defense Exhibit 2.

17 (Defendant's Exhibit No. 2 was
18 marked for identification.)

19 Q. Do you mind if I put a sticker on
20 that, just put it on the front page if you
21 don't mind.

22 (Witness complies.)

23 A. Yeah.

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1 Q. Okay. So you applied for a
2 full-time job, is that right, as a sales
3 associate?

4 A. But I didn't work full time.

5 Q. I understand that. But is that
6 what you applied for, is that what I'm
7 understanding that to mean at the bottom
8 where it says forty or more hours?

9 A. That's what's on here.

10 Q. Okay.

11 A. But I didn't work full time, I
12 worked part time.

13 Q. At first, correct?

14 A. Right.

15 Q. Now, that was in September of
16 1994 when you filled this out?

17 A. Right, starting out I just worked
18 part time from 9:00 to 1:00 every day.

19 Q. Now, is that your signature on
20 the second page of this application?

21 A. It is.

22 Q. Now, if you look in that
23 paragraph, that typed paragraph right above

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1 your signature, do you see in the middle of
2 that paragraph where it says in
3 consideration of my employment I agree to
4 conform with the rules and regulations of
5 Sears Company, Sears Roebuck and Company;
6 is that right?

7 A. Uh-huh.

8 Q. So you agreed to at that point to
9 conform to their rules and regulations; is
10 that right?

11 A. I did.

12 Q. Okay. Now, you said you began
13 working part time at first?

14 A. Right.

15 Q. And when did you start working
16 full time?

17 A. I think around '97. I think it
18 was around '97 when I went full time.

19 Q. Now, when you first started
20 working there in '94, what position did you
21 hold?

22 A. I worked in the vacuum cleaner
23 department.

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1 Q. And who hired you?

2 A. Jeffrey Smith.

3 Q. And who was he?

4 A. He was the supervisor over brand
5 central.

6 Q. Who was the SGM at that time when
7 you were hired?

8 A. Jim Chandler.

9 Q. And what were your duties in the
10 vacuum cleaner department?

11 A. To sale, wait on customers, run
12 the register, keep the area clean, stock.

13 Q. And that was part time you said?

14 A. Yes.

15 Q. Did you work on commission?

16 A. Yeah.

17 Q. Straight commission?

18 A. Uh-huh.

19 Q. Who was your direct supervisor at
20 that time?

21 A. Jeffrey Smith.

22 Q. Okay. Then in 1997, you went
23 full time. Were you still working in the

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1 vacuum cleaner department at that time?

2 Well, let me rephrase that. How long did
3 you work in the vacuum cleaner department?

4 A. I'm not really sure. I know from
5 -- at that time, they had vacuums and some
6 ranges and dishwashers and all that stuff
7 together. So, actually, refrigerators and
8 all that was by itself.

9 Q. Refrigerators and all what were
10 by themselves?

11 A. Refrigerators and washers and
12 dryers was one -- freezers and all that was
13 one area.

14 Q. So the bigger appliances were by
15 themselves?

16 A. Right, larger appliances, yes.

17 Q. Okay. So vacuum cleaners were
18 together with the ranges?

19 A. With the ranges, it was Division
20 20 and 22. And 22 was the ranges,
21 dishwashers, microhoods and microwaves and
22 stuff.

23 Q. Okay. So that's the department

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1 you worked in at first --

2 A. Right.

3 Q. -- in '94?

4 A. Right.

5 Q. Part time?

6 A. Right.

7 Q. And then how long were you
8 working in that department?

9 A. I worked -- I did that up until
10 when they merged, when they had this major
11 -- I would say in 2000, it was in 2000.

12 Q. Okay. So about 2000 you started
13 working in appliances?

14 A. Yeah, just major appliances.
15 Then they combined the whole area, the
16 whole kitchen area, the stove and
17 refrigerators and all that stuff was
18 combined at that time.

19 Q. But they moved the vacuum
20 cleaners, correct?

21 A. Right, they moved vacuums to --
22 that was a part of electronics.

23 Q. Okay. And you were full time at

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1 that point, right?

2 A. Yes.

3 Q. Because you went full time in
4 '97?

5 A. Yeah.

6 Q. Is that right?

7 A. It was around '97.

8 Q. And did you want to go full time?

9 A. Yeah.

10 Q. And who was the SGM at that time
11 when you went full time?

12 A. Louis Collins.

13 Q. And when you began working in
14 major appliances, who was the SGM in 2000,
15 do you remember?

16 A. Greg Newton.

17 Q. And who was your direct
18 supervisor when you worked in major
19 appliances?

20 A. David Williams.

21 Q. Now, was there an SGM between
22 Mr. Collins and Mr. Newton?

23 A. It was actually two, Robert Smith

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1 and Roy Treadwell.

2 Q. Okay. How many hours a week did
3 you work when you worked part time from
4 about '94 to '97?

5 A. I would say about twenty hours.

6 Q. And then when you began working
7 full time, it was around forty hours a
8 week; is that right?

9 A. Anywhere from thirty to
10 thirty-five hours.

11 Q. Thirty to thirty-five hours?

12 A. Uh-huh. Sometimes forty, but, I
13 mean, there were hardly forty hours.

14 Q. And you were still working on
15 commissions; is that right?

16 A. Yes, ma'am.

17 Q. Now, who became the SGM after
18 Greg Newton, do you know?

19 A. Kenny Reese.

20 Q. Okay. And he was the SGM at the
21 time of your termination; is that right?

22 A. Yes, ma'am.

23 Q. Okay. Now, you say your direct

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1 supervisor in 2000 when you moved to major
2 appliances was David Williams; is that
3 right?

4 A. Right. And David was there up
5 until I think John Lawry came in around
6 June or July.

7 Q. Of?

8 A. David quit, yeah -- of 2004,
9 yeah.

10 Q. Okay. Now, when you worked in
11 appliances, tell me what your job duties
12 were.

13 A. Well, basically taking care of
14 the customers, making sure that the
15 department is kept clean, stocking,
16 deluxing. I had to take all of the stuff
17 out of the appliances.

18 Q. What do you mean deluxing, can
19 you tell me what that --

20 A. Taking all the plastic and the
21 styrofoam and all that out of the
22 refrigerators and ranges and all that
23 stuff.

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1 Q. So basically unpacking them and
2 arranging them on the floor?

3 A. Right, they just call it
4 deluxing. And putting up stock, arrange
5 courts and all that stuff, smooth top range
6 cleaner, compactor bags and all, putting up
7 stock.

8 Q. So making sure the area was neat?

9 A. Exactly.

10 Q. And appealable to the customer?

11 A. Exactly.

12 Q. Did you want to move from vacuums
13 to major appliances?

14 A. Well, actually, at first I
15 didn't. But then after talking to
16 Mr. Newton and, you know, he made me see
17 that, you know, I could make more money to
18 move. And this conversion was going to
19 take place regardless. So I had a choice,
20 either I go to appliances and do what I had
21 pretty much had been doing or I would have
22 to move to electronics which I didn't know
23 anything about that stuff. So, I mean,

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1 actually, they was going to make the
2 conversion regardless, so.

3 Q. Okay.

4 A. But, I mean, I was willing to go.

5 Q. Okay. And the major appliances
6 my understanding is that at Sears -- that's
7 the best chance to make the most
8 commission; is that correct?

9 A. Yes.

10 Q. Now, when you began working in
11 appliances, do you recall who worked in
12 that department with you?

13 A. In my area, I know Michael Smith,
14 he worked there briefly. I'm thinking --
15 I'm not sure, but I'm thinking -- you're
16 talking about before they made the
17 conversion?

18 Q. I'm talking about when you first
19 started working in appliances in 2000.

20 A. Okay. That's what I was
21 thinking.

22 Q. Do you remember?

23 A. I know Michael Smith, Jason

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1 Golden, we had so many peoples come and go.

2 Q. Was Jackie Dodson working there
3 at that time?

4 A. She was working there, but I
5 think Jackie was working over in
6 refrigerators and washers and dryers.

7 Q. Well, that's what I'm talking
8 about when you started selling major
9 appliances, who was working with you?

10 A. Oh, yeah, Jackie Dodson and
11 Carolyn Landers.

12 Q. She was working there in 2000?

13 A. Well, not in 2000. Well, she
14 came a few months before I was terminated.
15 But in 2000, was Jackie Dodson, it was
16 Frank James.

17 Q. Do you recall anybody else, was
18 Ms. Smith there at that time?

19 A. She wasn't working with us. She
20 wasn't working over in the refrigerators.

21 Q. You mean the vacuums?

22 A. That's where she was working in
23 the vacuums.

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1 Q. Okay. Okay. Do you have any
2 reason so I don't sit here and tax your
3 memory, do you have any reason to dispute
4 the employment records that Sears has
5 showing when these various people worked in
6 what department?

7 A. Do I have any -- excuse me -- do
8 I have any reason to dispute it?

9 Q. In other words, if Sears has
10 documents reflecting when certain
11 individuals worked in certain departments,
12 do you have any reason to think those
13 documents are inaccurate?

14 A. Well, I mean, after looking at
15 mines, it says that forty hours or more but
16 I was only there part time. So, I mean,
17 yes, I would doubt it.

18 Q. Okay. And what would you base
19 that on so you think that the records
20 showing when certain individuals worked in
21 certain departments wouldn't be accurate?

22 A. Well, considering who we was
23 working under, I would have a lot of doubt.

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1 Because, actually, you would think from
2 looking at this that I worked -- that I
3 started out working forty hours.

4 Q. Defense Exhibit 1, correct. Did
5 you fill that out?

6 A. I filled it out.

7 Q. Is that your handwriting?

8 A. And I was saying that I wanted to
9 work forty hours, but the supervisors
10 worked with my schedule. I didn't go in
11 working forty hours.

12 Q. Sure, I understand that. But you
13 filled that out, though, correct?

14 A. Yeah.

15 Q. To say --

16 A. Yeah.

17 Q. -- forty hours or more?

18 A. And you would believe that that's
19 what I was working by looking at this.

20 Q. It says available though, is that
21 correct, that's telling them when you were
22 available and you actually filled that out;
23 is that right?

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1 A. Uh-huh, that's my writing.

2 Q. That's you filling that out
3 saying when you were available forty hours
4 a week and that you were available any
5 time, right?

6 A. Right, I filled that out. But
7 that wasn't how it was.

8 Q. That's when you were telling the
9 company when you were available when you
10 filled out this application; is that right?

11 A. That's what I told them. But my
12 supervisor had me to put that on there.

13 Q. And who was your supervisor at
14 that time?

15 A. Jeffrey Smith.

16 Q. Okay. But they said that they
17 would work with your schedule?

18 A. Yeah.

19 Q. Because they understood that you
20 just wanted to be part time?

21 A. For three years, they worked with
22 my schedule.

23 Q. Okay. Now, well, let me ask you

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1 this: At the time you were terminated, who
2 was working in appliances with you?

3 A. Jackie Dodson.

4 Q. And is she white or black?

5 A. She's black. Carolyn Landers.

6 Q. Is she white or black?

7 A. She's white. Merrill, what was
8 Merrill's name --

9 Q. Miller?

10 A. Miller, yeah.

11 Q. Is he white or back?

12 A. He's white.

13 Q. Denise Smith?

14 A. Yeah, Denise Smith, yeah, she's
15 black.

16 Q. Anyone else?

17 A. I'm thinking Stephanie Darby was
18 still there.

19 Q. Are you sure that Stephanie Darby
20 was still there or do you know?

21 A. I'm not really, really sure. But
22 I'm thinking she was. I know Carolyn
23 Landers was there.

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1 Q. Okay. But you don't know if
2 Darby was there or not?

3 A. I'm not really sure about
4 Stephanie.

5 Q. Okay. Anyone else? Now, this is
6 at the time of your termination.

7 A. That I can remember, it was just
8 the ones that I called out.

9 Q. Okay. So Jackie and she's
10 African American, Carolyn, you said she's
11 white, Merrill is white, Denise is black
12 not sure about Stephanie Darby and
13 yourself; is that correct?

14 A. Right.

15 Q. Okay. Now, when you worked at
16 Sears were you ever verbally warned about
17 anything?

18 A. Never.

19 Q. You were never verbally warned
20 about any problems you were having with
21 cash?

22 A. Uh-uh.

23 Q. Okay. You were never written up

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1 for any kind of cash issues?

2 A. Never.

3 Q. Okay. Now, you continued to work
4 in appliances from I think you said 2000,
5 right?

6 A. Uh-huh.

7 Q. 2000 until the time of your
8 termination, you didn't work in any other
9 departments; is that right?

10 A. No, just appliances.

11 Q. Now, you told me that part of
12 your duties were to work the cash register
13 and to keep the area clean, unpack some of
14 the appliances and that kind of thing. Did
15 you also -- well, let me ask you this:
16 What shift did you work usually, do you
17 know?

18 A. Open.

19 Q. Okay. Did you ever close at all?

20 A. Hardly ever.

21 Q. Okay. Do you know what the
22 closing associate's responsibilities were
23 as far as turning in items to the hub

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1 office or anything like that?

2 A. Uh-huh.

3 Q. Okay. And what did that entail?

4 A. Well, you take them all the
5 detail, you get your detail, all your
6 receipts and all that stuff and your roll,
7 which it would be the register tape and the
8 money and you take it to the back.

9 Q. Okay. So you printed out the
10 register tape at the end of the night?

11 A. Yes.

12 Q. And turned it in?

13 A. Yes.

14 Q. Do you know if the other
15 associates did that?

16 A. They were supposed to.

17 Q. Now, do you know if the -- when
18 you say you printed out the tapes, are you
19 referring to the journal tapes?

20 A. Yes, ma'am.

21 Q. And you turned those in. Okay.
22 Do you know if Sears' policies changed when
23 they got new registers and the registers

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1 had memory on them and so they quit
2 printing them out, do you know anything
3 about that?

4 A. I didn't.

5 Q. No?

6 A. No.

7 Q. Was Byron Mason working at Sears
8 when you were working in appliances?

9 A. Yes.

10 Q. Was he working at Sears when you
11 were hired?

12 A. When I was hired, he wasn't
13 working at the Auburn store. I think he
14 transferred from Columbus to Auburn.

15 Q. But you don't know if he was
16 there when you were initially hired?

17 A. He wasn't.

18 Q. He was not?

19 A. Uh-uh.

20 Q. Now, as far as the pay that you
21 received, you said you worked on straight
22 commissions, correct?

23 A. Uh-huh.

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1 Q. And basically that means the more
2 you sale, right, the more money you can
3 make; is that right?

4 A. Right.

5 Q. Now, part of your duties as a
6 sales associate in appliances, you said you
7 needed to know how to work the register,
8 correct?

9 A. Uh-huh.

10 Q. And you also needed to know how
11 to deal with coupons; is that correct?

12 A. Uh-huh.

13 Q. Is that a "yes"?

14 A. Yes.

15 Q. Now, Sears has a variety of
16 coupons that it provides to its customers;
17 is that right?

18 A. Yes.

19 Q. Okay. And these coupons allow
20 customers to receive certain discounts on
21 merchandise; is that right?

22 A. Yes.

23 Q. And these coupons have terms and

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1 conditions on them stating when they can be
2 used, what types of merchandise they can be
3 use for, how much the discount is; is that
4 correct?

5 A. Well, yes.

6 Q. Now, coupons also have bar codes
7 on them; is that right?

8 A. Yes.

9 Q. And that's what's actually
10 scanned to give the customer the discount;
11 is that right?

12 A. Yes.

13 Q. Now, the bar code is different
14 for each type of coupon; is that right?

15 A. I'm not sure.

16 Q. But the bar code is a way of
17 identifying the coupon; is that right?

18 A. I guess, I'm not sure.

19 Q. You don't know?

20 A. I don't know.

21 Q. Okay. Do you know if there is
22 any other way of identifying the coupon
23 besides the bar code?

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1 A. I mean, for whatever the amount
2 is is on the coupon, the amount is on that
3 actual coupon.

4 Q. Right. But if you have two
5 coupons discounting the same amount, do you
6 know how you can distinguish which one is
7 used for what?

8 A. Well, if you scan it, if that
9 merchandise qualifies then it's going to
10 take it off.

11 Q. Right. But I'm talking about is
12 there a way -- do you know of a way to
13 decipher which coupon was used other than
14 looking at the bar code on the coupon?

15 A. We never looked at the bar codes
16 on coupons, we just scanned them. The only
17 way we look at the bar codes is if we can
18 scan the coupon and it didn't go in, then
19 we'll punch in the numbers.

20 Q. Correct. So that's the way to
21 identify the coupon, correct?

22 A. Right.

23 Q. Is there any other way of

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1 identifying a particular coupon or linking
2 it to a discount other than that bar code
3 that you're aware of?

4 A. No, we just scanned it.

5 Q. Okay. So that's the way you
6 identified it then was through the bar
7 code?

8 A. Right.

9 Q. And you're not aware of any other
10 way?

11 A. No.

12 Q. Now, when you began working for
13 Sears, you received an employment handbook,
14 is that right, an employee handbook?

15 A. Yes.

16 Q. Now, does this look like -- I'm
17 going to mark Defense Exhibit 3.

18 (Defendant's Exhibit No. 3 was
19 marked for identification.)

20 Q. Does this look like the handbook
21 you received or is that the handbook you
22 received?

23 A. It is.

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1 Q. It is?

2 A. Yes, ma'am.

3 Q. Now, this handbook contains
4 copies of Sears' policies; is that right?

5 A. Yes.

6 Q. Now, if you'll turn with me to
7 page five of the handbook, Defendant's
8 Exhibit 3. It has a section in here
9 talking about code of business conduct; is
10 that right?

11 A. Which one you said, what page?

12 Q. Page five, it's the start of the
13 code of business conduct; is that right?

14 A. Okay, I got you.

15 Q. Code of conduct?

16 A. Okay.

17 MR. MCINTYRE: While you're
18 looking at that, I have to make a quick
19 call, it's almost noon.

20 MS. HEMSTREET: Okay. Well,
21 let's go off the record. I don't want to
22 continue this without Robin here.

23 (Break taken.)

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1 Q. (By Ms. Hemstreet) So you
2 understand that looking at this handbook
3 that Sears had a code of conduct that it
4 expected its employees to follow; is that
5 right?

6 A. Yes.

7 Q. Now, if you look on page eight.
8 Now, where it says workplace conduct, do
9 you see that at the top of the page?

10 A. Uh-huh.

11 Q. And right underneath that it says
12 the following are examples of business or
13 personal conduct that can lead to the
14 termination of employment. Do you see that
15 there at the top?

16 A. I see it, yes.

17 Q. Okay. And then under that, it
18 goes on to list examples of unacceptable
19 business conduct; is that right?

20 A. Yes.

21 Q. Now, if you look at the fifth
22 example down, it says giving unauthorized
23 markdowns to customers and associates.

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1 That's a violation of the code of conduct,
2 correct?

3 A. That's per company policy.

4 Q. But that's what it says, correct?

5 A. Per company's policies, yes.

6 Q. So this means that associates
7 shouldn't give discounts to customers or
8 other associates when they're not eligible
9 for them; is that right?

10 A. That's per the company's policy.

11 Q. Okay. And, also, as an example
12 from that list, it says it prohibits the
13 removing of company resources, is that
14 right, for non-business use?

15 A. And that too is per company
16 policy.

17 Q. Okay. So you can't remove
18 anything from Sears that's a part of Sears
19 for non-work related use; is that right?

20 A. Per company policy, yes.

21 Q. Okay. And those are two things
22 that you can be terminated for; is that
23 correct?

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1 A. That's what Sears' policy says.

2 Q. Now, were y'all required to --
3 well, let me rephrase. Did y'all have any
4 kind of online training or E-learning of
5 any sort while you were employed with
6 Sears?

7 A. We had so much stuff going on,
8 I'm not sure.

9 Q. Okay. So you don't know if Sears
10 had an E-learning program, you don't
11 remember going over any kind of policies or
12 anything on the computer?

13 A. I know we had the annual survey.

14 Q. And was that done on the
15 computer?

16 A. No. I mean, we had to meet in a
17 room and we did that.

18 Q. I'm sorry, meet in what?

19 A. We had to meet in a setting like
20 we are in now. And, you know, the whole
21 store had to do that once card a year.

22 Q. You don't remember doing any kind
23 of online training via the computer or

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1 anything?

2 A. About the appliances, just about
3 the appliances.

4 Q. Nothing about company policy or
5 anything like that?

6 A. Uh-uh, uh-uh.

7 Q. Do you know if you were required
8 to do that?

9 A. If we was, nobody told me.

10 Q. Do you know if other associates
11 did that?

12 A. I don't know what they did. I
13 can only speak for me.

14 Q. Okay. But you don't recall?

15 A. I don't, no.

16 Q. Taking any kind of online
17 training regarding Sears' policies?

18 A. No, just the merchandise.

19 Q. Now, during your employment at
20 Sears, the managers would hold meetings
21 with the sales associates; is that right?

22 A. Yes.

23 Q. And during these meetings, did

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1 you discuss the promotions that were going
2 on?

3 A. If we had promotions we did.

4 Q. Did you discuss the sales that
5 were going on in the store?

6 A. Yeah, the sales, yeah.

7 Q. Potential discounts that were
8 happening on various types of merchandise?

9 A. They didn't ever discuss the
10 discounts.

11 Q. Okay. Did you ever talk about
12 unauthorized discounts?

13 A. No.

14 Q. So they never discussed anything
15 about how to use coupons or unauthorized
16 discounts during these meetings that you
17 recall?

18 A. Never.

19 Q. Did you attend all of these
20 meetings?

21 A. The ones that I attended, they
22 didn't discuss it.

23 Q. And how often do they have these

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1 meetings?

2 A. Well, they'll have like meetings
3 about once a week. But what they're trying
4 to do at that time is talk about PAs.

5 Q. Meaning protection agreements?

6 A. Yes, and credit apps.

7 Q. And what would they talk about
8 with respect to that?

9 A. Well, all the peoples that wasn't
10 doing well, they need to do better. You
11 know, it's a part of your job duty to sell
12 PAs, along that line. But basically that
13 was all that was discussed. And you're
14 required to have so many credit apps a
15 month. And they would run different
16 contests and all that trying to get the
17 credit apps and all that stuff going.

18 Q. Credit card application, you
19 mean --

20 A. Right.

21 Q. -- for applying for a Sears'
22 card, that kind of thing?

23 A. Right.

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1 Q. Now, while you were employed with
2 Sears, they had a \$65 service coupon; is
3 that right?

4 A. Yes.

5 Q. I'm going to mark this as Defense
6 Exhibit 4.

7 (Defendant's Exhibit No. 4 was
8 marked for identification.)

9 Q. Now, is this a copy of the \$65
10 service coupon?

11 A. Yes.

12 Q. Now, these coupons were given to
13 customers who had a service call and
14 declined a repair; is that correct?

15 A. Yes.

16 Q. And they were given out by the
17 service technicians; is that right?

18 A. Yes.

19 Q. So a service technician would go
20 to somebody's house, the customer would say
21 I don't want a repair because it's too
22 expensive. And then the service technician
23 might give them a coupon as an incentive